

Assessment of Children in Conflict with the Law Institutional Facilities in Cabanatuan City, Philippines

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Abstract:- This is a qualitative-case study that used a self-made interview guide validated by experts. Data gathered from eight participants were collated, themed, analyzed and interpreted. The findings revealed that the prevailing conditions of both institutions as to the crime causations were peer influence, poverty, dysfunctional family, and curiosity. The most common crimes committed were theft, carnapping, drug related cases and attempted homicide. There were also various intervention programs. The challenges encountered were deviant behaviors and physical facilities which were addressed through numerous actions taken. Lastly, the needs identified were provisions of physical facilities, knowledge empowerment, skills enhancement, recreations and necessities. As to the findings, the following conclusions were drawn; both correctional facilities have a common denominator as to CICLs crime causations, crimes committed and various intervention programs. The challenges encountered by both correctional institutions have similarity on deviant behaviors while they slightly differ on physical facilities. The actions taken to address the challenge encountered were in unison focused on activities that aims to reform and rehabilitate the CICL. Finally, there is a need for big help or intervention from other various agencies or organizations to address the voluminous needs identified from the basic needs up to their empowerment.

Keywords:- Correctional Facilities, Children in Conflict with the Law, Challenges, Intervention.

I. INTRODUCTION

A child is a person not yet of the age of majority (Webster, n.d.) or under eighteen years of age (United Nations Children's Fund (UNICEF), n.d.) and considered as one of the vulnerable members of the community where generations try to protect and shield from the wrath of the wicked world.

The protection and rights of children, as outlined in the United Nations Convention on the Rights of the Child (UNCRC), have been the subject of numerous international cases and examples. These international cases and examples serve to illustrate the persistent efforts and challenges in protecting and upholding the rights of children on a global scale. They underscore the significance of international

cooperation and legal mechanisms in ensuring the welfare and protection of children worldwide, aligning with the principles outlined in the UNCRC. (UNICEF, n.d.)

However, as time turned its fortune, so as this child, by reasons only he can understand, they burst and explore the world. Unfortunately, this vulnerable child becomes children in conflict with the law.

The United Nation Office of Drugs and Crimes (UNODC) (n.d.) explained that CICL are often those who face multiple and intersecting challenges in their lives. UNICEF confirms the multiplicity of risks that bring children into conflict with the law, and the importance of multi-sectoral responses that are tailored to a child's individual circumstances.

Moreover, UNCRC stands as a beacon, enshrining fundamental standards for the treatment of CICL across the globe, accentuating the significance of rehabilitation, diversion, and the unwavering protection of their rights.

In tandem with these international efforts, dedicated non-governmental organizations (NGOs) and other human rights advocates monitor and bring into spotlight CICL cases worldwide. They relentlessly fight for the rights of these children, armed with the legal reforms and pushing for a more humane, acceptable, and compassionate approach to children in conflict with the law.

In the Philippines, a CICL refers to a child who is alleged as, accused of, or adjudged as, having committed offense under the Philippine laws. Regardless of the unlawful acts committed protection is warranted, hence, Juvenile Justice Welfare Act was enacted, this is to recognize the right of every child in conflict with the law to be treated according to his age and prioritize his reintegration and making sure that all other means are being exhausted to avoid the child from the process of the CJS. (RA 9344, 2006)

In addition, this law also provides protection of the child from violence in the justice system. Section 5 particularly provides for the protection of the CICL against torture or cruelty, inhumane or degrading treatment of punishment, as well as the right not to be imposed a sentence of capital punishment, as well as the right not to be

imposed a sentence of capital punishment or life imprisonment without the possibility of release. (RA 9344, 2006)

Furthermore, the said law was strengthened through an act establishing a Comprehensive Juvenile Justice and Welfare System creating the Juvenile Justice Welfare Council (JJWC) under the Department of Social Welfare and Development (DSWD) for the establishment of an Intensive Juvenile Intervention and Support Center for Children (IJISC) under the minimum age of criminal responsibility in “Bahay Pag-asa”. It is a 24-hour child-caring institutions funded by the Local Government Units (LGUs) or Non-Government Organizations (NGOs). It housed children from 15-18 years old which shall be exempt from criminal responsibility and shall be provided intervention program except when acted with discernment. (RA 10630, 2013)

Like many countries, our country grapples with the challenge of addressing the needs and rights of CICL within its justice system. Cabanatuan City, situated in the province of Nueva Ecija, is home to two key CICL institutional facilities, Tirahan ni Maria (TnM) and Bahay Pag-asa (BPA). These facilities play a pivotal role in the rehabilitation and reintegration of CICL into society, safeguarding their rights and fostering their development.

The TnM is an institution that provides care and support for girls and children at risk, including victims of abuse and human trafficking. Among its residents are CICLs, each facing different criminal cases, which require tailored interventions and rehabilitation programs to address their specific needs and circumstances.

On the other hand, BPA is an institution that provides care and support exclusively for boys, the CICLs (This includes CICL with filed cases and CICL with no cases but are repeat offenders or recidivists) and CARs (Includes children who have violated barangay ordinances, beggar, street child, rugby sniffer, no guardians, no parents, no relative). Their services are not limited to the immediate vicinity; it also accommodates children from nearby municipalities, it serves as a shelter, offering a safe and nurturing environment, along with rehabilitation programs and educational opportunities to help these boys overcome their challenges and reintegrate into society as law-abiding citizens.

Further, it also operates with a dedicated team and staff to provide essential care and support for the children it serves. There are 12 house parents who are divided into three shifts. These caregivers play a crucial role in providing a nurturing and stable environment for the children under their care.

The institution also employs a team of four social workers. This team includes a head social worker, two permanent social workers, and one social worker on a job order basis. To ensure the safety and security of the institution, it has a team of five guards, consisting of four civilian guards and one agency guard. Lastly, a permanent driver and one administrative staff member complete the operational team of the institution.

However, the operation of TnM and BPA is not without its complexities and concerns. To find out this complexities and concerns, the researchers made an assessment endeavor to evaluate the present conditions existing within the CICL institutional facilities, problems encountered by the staff of the facilities, actions taken to address such encountered problems and the identification of needs for the development of intervention programs for a sustainable reformation, rehabilitation, and reintegration of the CICL to the mainstream of the society.

❖ *Objectives of the Study*

The study aims to assess correctional facilities in Cabanatuan City for CICL such as Tahanan ni Maria and Bahay Pag-asa, specifically to determine the following.

- The prevailing conditions of Tirahan ni Maria and Bahay Pag-asa as CICL institutional facilities as to:
 - Common causes of children committing crime.
 - crimes committed by the CICL; and
 - Intervention programs.
- Challenges experienced by the staff members employed at TnM and BPA while overseeing and rehabilitating CICL?
- Actions taken to address challenges encountered?
- Needs identification for the betterment of services in the facilities?

II. METHODOLOGY

This study adopts a qualitative research design, employing a case study approach to comprehensively investigate the correctional facilities dedicated to CICL in Cabanatuan City. Specifically, the research centers on Tahanan ni Maria and Bahay Pag-asa. The data collection method involves semi-structured interviews where a self-made interview guide validated by experts was utilized.

A total of eight (8) participants, one (1) Social Welfare Associate 3, two (2) Social Welfare Officers and two (2) house parents from Tahanan ni Maria, and the head and two (2) house parents of Bahay Pag-asa, participated in the interviews. The collected data adhered to a thematic analysis approach. Transcriptions of the interviews was executed verbatim, and scrutinized to identify recurring themes, and significant insights that pertain to the conditions, practices, challenges and needs inherent to the correctional facilities. Ethical considerations were promptly observed during the conduct of the study.

III. RESULTS AND DISCUSSION

The prevailing conditions of Tirahan ni Maria and Bahay Pag-asa as CICL institutional facilities

A. Common Causes of Crime Commission by the CICL

The topmost common reasons for committing crime by the CICL was labelled as influence of peer. Peer influence can be associated with the impact that a child's friends can have on their behavior. Children often seek acceptance and approval from their peers, and this can lead to them engaging in activities, including criminal behavior, that their friends are involved in. Participant 1 narrates. "Peer influence really is one of the main reasons as to why they are involved in illegal activities." This was affirmed by other participants that indeed peer influence is the top common reason for delinquent behavior.

Participant 5 also narrates. "It just happened."

Smith, et. al., (2005) revealed that considerable evidence supports the hypothesis that peer relationships influence the growth of problem behavior in youth. Developmental research consistently documents the high levels of covariation between peer and youth deviance, even controlling for selection effects. Second on the list of the answers of the participants on common causes of crime commission by the CICL is poverty. Majority of the participants explained that poverty can be a significant contributing factor to children committing crimes. When a child grows up in impoverished conditions, they may face limited access to necessities, quality education, and extracurricular activities. This lack of resources and opportunities can lead to frustration, a sense of hopelessness, and a higher likelihood of turning to criminal activities to obtain basic needs or escape from their challenging circumstances.

Participant 2 claimed. "Because of poverty." Unfortunately, children who are poor are more likely to be raised in impoverished neighborhoods. These types of neighborhoods that have concentrated poverty levels are often associated with difficulties in academics, behavioral and social issues, and worsening health.

Additionally, these children are more likely to live in neighborhoods where they are exposed to environmental risk factors. These socioeconomic risk factors may include malnutrition, pollution, food insecurity, housing instability, economic hardship, led exposure, violence, and crime. (Childrens Bureau, 2019)

Dysfunctional family landed on the third spot of common causes of crimes commission by the CICL, Participant 3 elaborated that majority of the CICL under their care came from a dysfunctional family, such as abusive parents, strict parents, domestic violence, inadequate supervision, no guardian or broken families. That their delinquent behavior is their way of rebel against their family situations. All other participants also reiterated "family

problem" As one of the common reasons of delinquent behavior of the CICL. Anent to this,

Pettit (2016) a commissioner for children and young people says 'dysfunctional home lives' are fuelling youth crime. With a detailed interviews of 92 young people in detention and community-based supervision orders, and ten of their family members revealed that young people named family dysfunction, particularly ingrained criminal activity, alcohol and drug abuse, a lack of structure and boundaries, family violence and mental health issues as the dominant factor that led to their participation in crime.

The last spot on the list on the common causes of crime commission is out of curiosity. Participants narrates that aside from the above mentioned causes the least is the idea of wanting to experience especially on their drug cases. Participant 1 and 2 synonymously explained. "They just want to experience, and they did use drugs, and they was caught." In connection with this, Arneklev (2023) study revealed that curiosity also significantly predicted involvement in more specific illegal measures, including those involving somewhat serious delinquent conducts. His findings concluded that curiosity may be another additional cause of crime beyond the effects of self-control, curiosity explains more than just involvement in exploratory types of deviant behavior.

In totality, the study revealed that there are multiple causes prompting these CICL to commit crimes among them is the influence of peers, poverty, dysfunctional family, and curiosity. The influence of peers is a common factor in juvenile delinquency. This finding implies that CICL in Cabanatuan City are likely to engage in criminal activities due to pressure from their friends. Also, Poverty also has long been recognized as a significant risk factor for juvenile delinquency. Children growing up in impoverished conditions may resort to crime as a means of survival or to improve their quality of life. Economic deprivation can limit their access to education and basic needs, pushing them toward illegal activities as an alternative.

Meanwhile, dysfunctional family can also be a contributory factor to juvenile delinquency as revealed from the study, when children are raised in a messy families, they may turn to crime as a way to cope with their family circumstances or to seek an escape from their difficult home lives. Lastly, curiosity is a natural part of child development as they grow and explore the world. This finding suggests that CICL in Cabanatuan City may have engaged in criminal acts out of curiosity, without fully understanding the consequences of their actions. It's important to recognize that these factors are often interconnected, and individual cases may involve a combination of these elements.

Moreover, environmental and social conditions in Cabanatuan City, as well as the specific circumstances of each CICL, can contribute to the prevalence of these causal factors.

Understanding these findings is crucial for policymakers, social workers, and educators in Cabanatuan City. It highlights the importance of implementing preventive and intervention strategies that address these risk factors. This might involve providing support and resources to impoverished families, offering counseling and mentorship programs for at-risk youth, and creating initiatives to deter peer pressure leading to criminal behavior. Ultimately, these findings can inform more effective approaches to reduce juvenile delinquency and support the rehabilitation of CICL in the correctional facilities.

B. Crimes Committed by the CICL

Crimes committed by the CICL are theft, carjacking, drug related cases, and attempted homicide. In both institutions, theft is the most prevalent crime committed associated with poverty. Participants in unison narrates. "When they have nothing to eat, they are forced to steal." For the carjacking case, participant 1 narrates. "I got into a fight, then I rode on the motorcycle to get away." The said case was eventually dismissed due to lack of probable cause, where such CICL has no surviving parents and became a volunteer staff of the institution. This was considered a success story where a client was reformed, turned into a houseparent, and later become one of their staff.

For drug related cases, both institutions housed CICL involved in drugs, most often than not, they are users, pusher, or runners whose cases were filed in violation of section 5 and 11 of RA 9165, the Comprehensive Dangerous Drugs Act. Section 11 provides penalty for using minors to deliver any apparatus, equipment, or paraphernalia for dangerous drugs while section 5 prohibits the sale, trading, etc. of dangerous drugs. Such cases were undergoing trial. The most serious crime committed is attempted homicide, Participant 1 narrates that the case of attempted homicide was an incident that was not really intended by the CICL. "Tripped so I fought."

Further, participant 1 continued elaborating that it was a failed diversion program because the CICL committed murder after a year and now facing charges and still on trial. On the other hand, there was also another success story of a CICL whose case was attempted homicide, who became another volunteer staff after undergoing rehabilitation program from the institution. To sum it up, the study revealed that crimes committed by the CICL in both institutions is somewhat similar like theft, carjacking and drug related, however a far more serious crime of attempted homicide and murder is committed in the BPA. Macapagal (2019) revealed that as per the record of the Philippine national Police (PNP) on CICL from the year 2015-2018, the top 5 prevalent crimes committed by CICL are theft, physical injuries, illegal drugs, malicious mischief and rape.

C. Intervention Programs Implemented by the Correctional Facilities

When a CICL is endorsed to the correctional facility, a background check is automatically conducted for the formulation of the intervention program that suits the CICL. The intervention programs implemented by both institutions varies in each CICL, but generally, the intervention programs were as follows. Services; This includes counseling, physical development (they taught how to manage themselves), homelife (teaching them to the life in the home), and home task (teaching them to do household chores such as washing the dishes, cleaning, laundry, and others). Spiritual Enrichment; This includes bible studies facilitated by house parents, group studies facilitated by social workers. There are four religious' groups, where they are free to choose which group or religion to join.

Educational Assistance; This includes Alternative Learning System (ALS) and Formal School where external support is warranted. The CICLs were accompanied by the driver and a houseparent to attend their classes to a nearby school in the morning and will be fetch in the afternoon. The CICL a re trusted not to escape but with minimal supervision. Medical and Health Services; The medical and health services of the institutions were carried out with the help and assistance of other health services like the local health centers. They also try to partner with private psychologist and psychiatrist for the CICL mental evaluations.

Court Assistance; This involves the assistance rendered to the CICLs when ever they are scheduled for their trial or when the court warrants their appearance. The staff accompanied them to and back from the institution. The social workers also make case study and progress reports in each CICL.

Livelihood; This includes trainings and other skills development activities that would engage the CICLs for Income Generating Programs (IGP) such as cooking, making flowers out of paper, doormats, gardening, and cattle rearing that was also funded by the Local

Government Unit. Recreation; This includes sports like volleyball where they participated in the activities of the Regional Juvenile and Justice Center (RJJC), they also joined essay writing contests. The BPA had a Mutual of Agreement (MOA) with the Center for Community Transformation (CCT) for cultural and folklore learning and other activities. Preparation for Reintegration; This includes the preparation of the CICL for reintegration with the community including their families. The renewed CICL will be transported to the home address within or outside the city.

D. Challenges experienced by the staff members employed at TnM and BPA while overseeing and rehabilitating CICL

The study revealed that the challenges experienced by the staff members employed at TnM and BPA while overseeing and rehabilitating CICL were themed as follows Deviant Behaviors and Physical Facilities.

Deviant Behaviors; CICLs and CARs; the study revealed that staff and workers of correctional facilities worst experience were dealing with the children behavior, they carry their attitudes and powerful personality upon entry that challenged the team into refining and reforming them. "Their behaviors are unpredictable." Answered by participant 1. "Sometimes they fight and escape but recovered and bring them back."

Narrated by participant 2. Participant 3 agreed and added. "Surprise Inspection on the streets, a lot of them escape but caught again during saturation drive, and it's like a cycle."

Staff, House Parents and Workers; On the other hand, the study also revealed that while they are challenged with the deviant behaviors of the children, the staff, house parents and workers also sometimes show lack commitment in their work, sometimes their negligence leads to the disruption of some of the institutions operation that will eventually affect the services and programs implemented by the institutions.

Scammer: the study also revealed that their institutions were being used by scammers to solicit for money to politicians and other government and non-government organizations. This incident has already been reported to the police for awareness. Physical Facilities: Both correctional facilities were situated far away from the community, because of this, one of the challenges is the internet connection, the signal is unpredictable that causes the delay of submission of reports of the staffs. For the BPA, their 1.2-hectare facility was donated by a foundation, but the challenging part is the soil is very hard that it's hard to grow vegetation added with no water connection, their water source is deep well.

E. Actions Taken to Address Challenges Encountered

Participants in unison answered their actions taken on deviant behaviors counseling, reporting to the court, referring to psychological evaluations, spiritual counseling, give them educational activities for them to be busy on their studies and for worst scenarios segregation from the group with reorientation on the policy of the institutions. For the physical facilities, they make request for additional funding to aid them with their challenges with their facilities. Needs Identification for the Betterment of Services in both Correctional Facilities. It has been noted that the following are the needs were identified for the betterment of services in both correctional facilities.

Physical Facilities; This includes the installation of stable internet connections, water connection, conduct of soil biological health, seedlings, and other agricultural and animal production materials. Knowledge Empowerment; This includes seminars and trainings for awareness of basic laws of traffic, safe spaces act, violence against women and their children law and the like, different law enforcement agencies, personal development, and others. Skills Development; This includes the need for skills development that can be part of their Income Generating Programs or livelihood programs that would sustain their income.

Psychological Evaluation; this is one of the most identified need, as the CICL need to be evaluated Psychologically upon entry to determine and cater their special needs, most of the time, the said services cannot be availed because of the limited budget of the institution cannot finance the fee for the said evaluation. Recreation: This includes the need for facilitators for sports activities as well as the materials needed like balls, net, ring, and the like. Basic Needs: this includes hygiene kits, clothes, food, books, and toys.

IV. CONCLUSIONS AND RECOMMENDATIONS

The following conclusions were drawn; Both correctional facilities have a common denominator as to CICLs crime causations were based on internal and external factors, crimes committed ranges from simple crime to serious crimes where numerous interventions can be applied to CICL. The challenges encountered by both correctional institutions have similarity on deviant behaviors while they slightly differ on physical facilities. The actions taken to address the challenge encountered were in unison focused on activities that aims to reform and rehabilitate the CICL.

The study conducted implies that there is a need for educational intervention from other various agencies or organizations to slowly address the voluminous needs identified from their basic needs up to their empowerment.

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